

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania,	:	
By Josh Shapiro, Attorney General;	:	
Pennsylvania Department of Insurance,	:	
By Jessica K. Altman, Insurance	:	
Commissioner and Pennsylvania	:	
Department of Health, By Rachel	:	
Levine, Secretary of Health,	:	
Petitioners	:	
	:	
v.	:	No. 334 M.D. 2014
	:	
UPMC, A Nonprofit Corp.;	:	
UPE, a/k/a Highmark Health,	:	
A Nonprofit Corp. and Highmark, Inc.,	:	
A Nonprofit Corp.,	:	
Respondents	:	

SCHEDULING ORDER III

AND NOW, this 3rd day of June, 2019, after a status conference this date, and in accordance with the Supreme Court’s opinion and order of May 28, 2019, remanding the matter to this Court for an evidentiary hearing, it is **ORDERED and DECREED** as follows:

(1) The stay is lifted only with respect to that part of Count I of the Commonwealth’s Petition to Modify which seeks to modify the termination date of the Consent Decrees. The stay remains in effect for all other claims; and

(2) By 11:00 a.m. on Thursday, June 6, 2019, the parties shall file and serve a disclosure of all witnesses for the trial, together with a brief summary of the anticipated testimony of each witness so identified; and

(3) A pretrial conference shall be held in Courtroom 3002 of the Pennsylvania Judicial Center, Third Floor, Harrisburg, Pennsylvania, commencing at 11:00 a.m. prevailing time on Thursday, June 6, 2019; and

(4) A non-jury hearing on the intended meaning and scope of the Modification Provision of the Consent Decrees shall commence Monday, June 10, 2019, in Courtroom 3002 of the Pennsylvania Judicial Center, at 9:30 a.m. prevailing time, and shall continue on Tuesday, June 11, 2019 in Courtroom 3002 of the Pennsylvania Judicial Center, at 9:30 a.m. prevailing time. Petitioners, and perhaps Highmark (depending on the upcoming ruling on the motion in limine) shall present their positions on June 10, 2019, and UPMC shall present its case on June 11, 2019. The Commonwealth, as the moving party, shall arrange for court reporting services, with the capability of daily copy, for the entirety of the trial. The parties shall appear with exhibits pre-marked and with sufficient copies for opposing counsel and the Court; and

(5) The parties shall each submit proposed findings of fact and conclusions of law, not to exceed 10 pages, by 12:00 p.m. prevailing time on Wednesday, June 12, 2019; and

(6) The Office of the Executive Director of the Commonwealth Court shall arrange for a podium to be available outside the Pennsylvania Judicial Center on the plaza for parties who wish to address the media at the end of each day of trial.



ROBERT SIMPSON, Judge

Certified from the Record

JUN 03 2019

And Order Exit